

*Court Ex 1*

9-27-2021

Jury Note #1 (Sep. 27, 2021) [D. A.335-338]

*On  
9/27/21*

**NEW YORK STATE**  
**SUPREME COURT-CIVIL TERM**  
**NEW YORK COUNTY**

JURY NOTE # 1

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COMMUNICATION: *We the Jury:*

- = Are freddy and Mr Gomez the same person?
  - = legal definition of assault
  - = legal definition of battery
- 

SIGNED BY FOREPERSON: Jodi Stover

TIME: 2:16 DATE: 9/27/21

DO NOT WRITE BELOW THIS LINE (COURT USE ONLY)

RE: Matas v Hiraldo  
INDEX # 151150 / 2017

PART: 4

JUDGE: FRANK P NERVO COURT'S EXHIBIT # \_\_\_\_\_

*Contact by  
9-27-2021  
JSC*

So that means the elements of ASSAULT are, and what you must find is:

1. Defendant voluntarily threw punches at the plaintiff;
2. That when the defendant did that, he intended the plaintiff to become apprehensive that he was about to be harmed;
3. That the defendant had the real or apparent ability to carry out that threat to harm the plaintiff at that time; and
4. That the plaintiff actually had the apprehension of being harmed by the defendant at that time.

You must find that the plaintiff proved, by a preponderance of the evidence, all four of these elements before you can find defendant responsible for the allegation of ASSAULT.

To establish ASSAULT, the plaintiff does not have to prove there was a contact, only apprehension of contact, and the other three elements of assault that I have just defined assault.

A.336

D\_000706

9-27-2021

JPM DC

So, therefore, the elements of battery that the plaintiff must prove by a fair preponderance of the evidence, are as follows:

1. There was an intentional offensive bodily contact, without that person's consent.

The intent required for battery is intent to cause a bodily contact that a reasonable person would find offensive.

An offensive bodily contact is one that is done for the purpose of harming another or one that offends a reasonable sense of personal dignity.

A.337

D\_000707

7-27-2021

J.S.

**NEW YORK STATE**  
**SUPREME COURT-CIVIL TERM**  
**NEW YORK COUNTY**

JURY NOTE # 1

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COMMUNICATION: *We the Jury:*

We have reached a verdict

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SIGNED BY FOREPERSON: Judy Stowell

TIME: 3:50pm DATE: 9/27/21

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DO NOT WRITE BELOW THIS LINE (COURT USE ONLY)

RE: Mates

v Hiraldo

INDEX # 151150/2017

PART: 4

JUDGE: FRANK P NERVO

COURT'S EXHIBIT # \_\_\_\_\_

Verdict Sheet In A.339-3471

- Jury Verdict Pg 5 of 13

COURT Exhibit I  
9-27-2021  
JOMTS

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK : PART IV

X Index No.: 151150/2017

RAUL MATOS,

VERDICT SHEET

Plaintiff,

-against-

STEVEN HIRALDO,

Defendant.

X

1. Was the defendant acting in self-defense on Dec. 25, 2015?

Yes \_\_\_\_\_ No

Jurors, after answering the above question will sign their name below.

At least five jurors must agree on the answer to this question

Juror # 1

Judy Stovall

Juror # 2

Barrie Haek

Juror # 3

Marilyn Trinibull

Juror # 4

Louisa P. Young

Juror # 5

Leah Slay

Juror # 6

Tawnya Sanchez

I, the undersigned Juror, do not concur in the above verdict

If you find that the answer to this question is Yes, you have found for the defendant. Stop.  
Do not answer any further questions and report your verdict to the Court.

2. Did the defendant commit an assault against the plaintiff?

Yes \_\_\_\_\_ No

Jurors, after answering the above question will sign their name below.

At least five jurors must agree on the answer to this question

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: PART IV

-----X----- Index No.: 151150/2017

RAUL MATOS,

VERDICT SHEET

Plaintiff,

-against-

STEVEN HIRALDO,

Defendant.

-----X-----

1. Was the defendant acting in self-defense on Dec. 25, 2015?

Yes \_\_\_\_\_ No

Jurors, after answering the above question will sign their name below.  
At least five jurors must agree on the answer to this question

Juror # 1

*Judy Sborz*

Juror # 2

*Rajee Haek*

Juror # 3

*Marilyn Trinell*

Juror # 4

*Louisa P Young*

Juror # 5

*Shant Shi*

Juror # 6

*Tonya Sanchez*

I, the undersigned Juror, do not concur in the above verdict

If you find that the answer to this question is Yes, you have found for the defendant. Stop.  
Do not answer any further questions and report your verdict to the Court.

2. Did the defendant commit an assault against the plaintiff?

Yes \_\_\_\_\_ No

Jurors, after answering the above question will sign their name below.  
At least five jurors must agree on the answer to this question

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Juror #1 Jody Howell  
Juror #2 Rajee Hatt  
Juror #3 Maureen Tumulte  
Juror #4 Louise P. Young  
Juror #5 Garth Sme  
Juror #6 Tolson Sanchez

I, the undersigned Juror, do not concur in the above verdict

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Continue to Question #3

3. Did the defendant commit a battery against the plaintiff?

Yes  No

Juror #1 Jody Howell  
Juror #2 Rajee Hatt  
Juror #3 Maureen Tumulte  
Juror #4 Louise P. Young  
Juror #5 Garth Sme  
Juror #6 Tolson Sanchez

I, the undersigned Juror, do not concur in the above verdict.

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If you have answered YES to EITHER question 2 or 3, continue to question 4.

If you have answered NO to BOTH questions 2 & 3, you have found for the defendant. Stop. Do not answer any further questions. Report your verdict to the Court.

D\_000711

10/01/2021 09:52 AM



4. Did the plaintiff contribute to the assault or battery committed against him?

Yes  No

Jurors, after answering the above question will sign their name below.

At least five jurors must agree on the answer to this question

Juror # 1

*Judy Howell*

Juror # 2

*Suzie Speer*

Juror # 3

*Marylin Thuluth*

Juror # 4

*Lorraine Young*

Juror # 5

*Fr. [unclear]*

Juror # 6

*Jessica Smith*

I, the undersigned Juror, do not concur in the above verdict.

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If you answered NO to question 4, proceed to Question 6.

If you answered YES to question 4, proceed to Question 5.

D\_000712

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5. You may assign any percentage of blame to the defendant and to the plaintiff.  
The total MUST equal 100%

What percentage of blame do you assign to the parties?

Defendant, Stephen Hiraldo 50 %

Plaintiff, Raul Matos 50 %  
100%

Jurors, after answering the above question will sign their name below.  
At least five jurors must agree on the answer to this question

Juror #1 Jody Stovell  
Juror #2 Janice Holt  
Juror #3 Marilyn Truelove  
Juror #4 Lorraine P. Young  
Juror #5 Cath SMC  
Juror #6 Jesus Sanchez

I, the undersigned Juror, do not concur in the above verdict.

\_\_\_\_\_  
Continue to Question #6

D\_000713

6. Were the defendant's actions a substantial cause of injury to the plaintiff?

Yes  No \_\_\_\_\_

Jurors, after answering the above question will sign their name below.  
At least five jurors must agree on the answer to this question

Juror # 1 Sandy Stovall  
Juror # 2 Lanice Hack  
Juror # 3 Dorothy Timulut  
Juror # 4 Louise P. Young  
Juror # 5 Eric Sury  
Juror # 6 James Sanders

I, the undersigned Juror, do not concur in the above verdict.

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If you have answered YES to question 6, continue to question 7.

If you have answered NO to question 6, you have found for the defendant. Stop. Do not  
answer any further questions. Report your verdict to the Court.

D\_000714

7. What amount do you award the plaintiff, Raul Matos, for past pain and suffering from the date of the incident, Dec. 25, 2015, until today? Write in the total amount awarded for past pain and suffering. If you chose not to award anything for past pain and suffering, write "None" in the space provided.

\$ 125,000 —

Jurors, after answering the above question will sign their name below.  
At least five jurors must agree on the answer to this question

Juror # 1

Sandy Gourville

Juror # 2

Angie Holt

Juror # 3

Raul Matos

Juror # 4

Louis P Young

Juror # 5

Cath Sely

Juror # 6

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I, the undersigned Juror, do not concur in the above verdict.

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Continue to Question #8

8. What amount do you award the plaintiff, Raul Matos, for future pain and suffering from the date of the incident until today? Write in the total amount awarded for future pain and suffering. If you chose not to award anything for future pain and suffering, write "None" in the space provided.

\$ 125,000.

Jurors, after answering the above question will sign their name below.  
At least five jurors must agree on the answer to this question

Juror #1 Judy Stovell

Juror #2 Diane Holt

Juror #3 Marilyn Trinidad

Juror #4 Louis P. Young

Juror #5 Chris Gu

Juror #6 Taylor Sanchez

I, the undersigned Juror, do not concur in the above verdict.

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If you make an award for future pain and suffering proceed to Question 9.  
If you did not make an award for future pain and suffering STOP here and report your verdict to the Court.

9. If you made an award for future pain and suffering to plaintiff, Raul Matos, state the total number of years over which such amounts are intended to provide compensation?

Future pain and suffering 35 years.

Jurors, after answering the above question will sign their name below.  
At least five jurors must agree on the answer to this question

Juror #1

Jody Spoor

Juror #2

Jayne Hark

Juror #3

Mahn Trull

Juror #4

Luis P Young

Juror #5

Cathie

Juror #6

Trishia Sander

I, the undersigned Juror, do not concur in the above verdict.

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REPORT YOUR VERDICT TO THE COURT